

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3314 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

LAXMICHAND G MODI

Versus

P V MANDORA

Appearance:

MS KUSUM M SHAH for Petitioner

MR AD MITHANI for Respondent No. 1

None present for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/03/98

ORAL JUDGMENT

Heard the learned counsel for the parties.

2. Challenge has been made by the petitioner to the order of the respondents dated 3.5.86, annexure 'D' to the Special Civil Application, under which the petitioner was ordered to be reverted from the post of Mukadam to

the post of Peon.

3. The respondents have not filed reply to the Special Civil Application and as such, all the averments made therein stand uncontroverted. The petitioner was appointed as a Peon in the office of the respondent-Panchayat vide Resolution No.21 dated 5.12.67 which post he joined on 21st December 1967. Under the order dated 30th June 1973, the petitioner was posted as Mukadam. The grade of Mukadam was at the relevant time was Rs.200-250 whereas that of Peon was Rs.196-1-232. So the petitioner was given promotion on the higher post. Under the impugned order, the petitioner was ordered to be reverted after more than about 13 years of his promotion. From the order of reversion, annexure 'D', dated 3.5.86, I do not find any ground to revert the petitioner on the post of 'Pattawala' (Peon). The learned counsel for the respondent No.1 is also unable to give out any reason, good, bad or indifferent to revert the petitioner from the post of Mukadam to that of Peon. When the petitioner was working on the higher post for about 13 years, then before reverting him from the said post and placing another person in his place, he should have been made known the reasons for doing so and opportunity of hearing should have been given to him. Only on this short ground, this writ petition deserves to be allowed and the same is accordingly allowed.

4. In the result, this Special Civil Application is allowed and the order dated 3.5.86, annexure 'D' to the Special Civil Application, to the extent it relates to the posting of the petitioner as class-IV, i.e. Peon, is quashed and set aside. Rule is made absolute accordingly with no order as to costs.

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(sunil)